

REMARKS

Claims 1, 3 – 15, 17 – 25, and 27 – 44 are presently pending. In the above-identified Office Action, the Examiner rejected the Claims under 35 U.S.C. § 103(a) as being unpatentable over Tomimori (U.S. Patent 6,456,841) in view of Stephens *et al.* (U.S. Patent No. 6,424,816).

For the reasons set forth more fully below, Applicants respectfully submit that the Application properly defines an invention patentable over the prior art. Reconsideration, allowance and passage to issue are therefore respectfully requested.

As mentioned previously, the present invention addresses the need in the art for a system or method for providing an instant replay capability for mobile receivers. In a most general implementation, the inventive system is a receiver adapted to receive a transmitted signal and provide an instantaneous output signal in response thereto. The Claims are currently limited to the reception of a satellite digital audio radio service (SDARS) signal. The inventive receiver includes a medium (electronic or physical) for storing at least a portion of the received signal. In accordance with present teachings, the inventive receiver selectively outputs either a stored selection or the receive signal in response to user input (i.e. a replay signal).

In the illustrative embodiment, the receiver is a satellite digital audio radio service receiver having a radio frequency tuner and audio decoder. The system controller is a microprocessor that causes the system to store each selection as it is received. In the best mode, this is facilitated by the transmission and reception of a start of selection signal and an end of selection signal. The replay signal is provided via a user interface. Software running on a microprocessor includes code for detecting the presence of the instant replay signal. On detection of the replay signal, the software causes the system to output the stored selection.

The invention is set forth in Claims of varying scope, of which Claim 1 is illustrative. Claim 1, as amended, reads as follows:

1. A mobile receiver comprising:
 first means for receiving a satellite digital audio radio service signal and providing an instantaneous output signal in response thereto;
 second means for storing at least a portion of said received signal;
 third means for providing a replay signal; and
 fourth means for selectively outputting said stored portion of said received signal or said instantaneous output signal in response to said replay signal,
 said first, second, third and fourth means being disposed on a common mobile platform. (Emphasis added.)

None of the references, including those cited but not applied, taken alone or in combination, teach the invention as presently claimed. That is, none of the references teach, disclose or suggest a mobile receiver having means for receiving a **satellite digital audio radio service signal**, means for storing a portion of the received signal and means for selectively outputting the stored signal on command all mounted on a common mobile platform.

As mentioned above, in the above-identified Office Action, the Examiner relied on Tomimori and Stephens. As noted previously, Tomimori is apparently essentially a cell phone with an answering machine function. The Examiner suggests that the cell phone of Tomimori teaches the invention as claimed with the exception of a satellite digital audio radio service signal reception capability. The Examiner suggests that this shortcoming is addressed by the teaching of Stephens.

However, this assertion is not supported by the teachings of the cited references. First, Tomimori does not teach either a third means for providing a replay signal or fourth means for selectively outputting a stored portion or an instantaneous output signal in response to the replay signal as set forth in Claim 1.

In this connection, the Examiner suggests that in the Abstract, Tomimori teaches means for providing the claimed replay signal. However, this assertion is in error. The Abstract of Tomimori reads as follows:

“A mobile communication apparatus capable of notifying a user of the presence of reproduction waiting information like a short message with proving the user with an impact. A controller of the mobile communication apparatus decides, when a flip is opened, whether the reproduction waiting information is stored in a RAM. If it is stored, the controller displays on a screen a window image including an icon associated with the reproduction waiting information. If there are more than one pieces of the reproduction waiting information, multiple icons are displayed in the window image. One of the icons is selected by placing the cursor on it, so that the reproduction waiting information associated with the icon is **replayed** in response to the operation of a memory key by the user.” (Emphasis added.)

Clearly, the Abstract merely notes that information associated with an icon is **replayed** in response to a memory key. This is clearly not tantamount to providing a teaching of a replay signal effective to cause a portion of a received and stored signal to be output or an instantaneously received signal to be output in accordance with the teachings of the subject application.

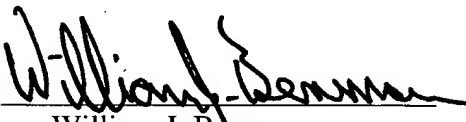
Further, there is no basis for combining the teachings of Tomimori and Stephens. The Examiner has not explained why one skilled in the art would be motivated to combine the purported satellite digital audio radio teachings of Stephens with the apparent cellular telephone teachings of Tomimori.

In summary, Tomimori is not an effective reference, there is no basis for combining the teachings of Tomimori with those of Stephens and the combination would fall short of teaching the invention as presently claimed.

In any event, as substantiated by Applicants Affidavit Under Rule 37 C.F.R. 1.131 dated October 3, 2003 and filed October 10, 2003 (copy enclosed), Applicants date of invention predates the effective date of the Tomimori reference. Accordingly, Applicants respectfully submit that the rejection of Claims 1, 3 – 15, 17 – 25, and 27 – 44 over the combined teachings of Tomimori and Stephens is improper and should be withdrawn.

Accordingly, reconsideration, allowance and passage to issue are respectfully requested.

Respectfully submitted,
G. Parsons, *et al.*

By 
William J. Benman
Attorney for Applicants
Registration No. 29,014

Benman, Brown & Williams
2049 Century Park East
Suite 2740
Los Angeles, CA 90067

(310) 553-2400
(310) 553-2675 (fax)